

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

VIRGINIA TERRY,
J.D.S. a Minor, by and through his
Next Friend Jeff Simmons,
C.N.S., a Minor, by and through her
Next Friend Jeff Simmons,
N.T.S., a Minor, by and through his
Next Friend Jeff Simmons,

Plaintiffs,

v.

CORRECTIONAL MEDICAL
SERVICES, INC., PATRICIA
CORNELL, MISSOURI
DEPARTMENT OF CORRECTIONS,
GARY B. KEMPKER, GEORGE
LOMBARDI

Defendants.

Case No.: 04-4283

ORDER APPROVING SETTLEMENT

NOW on this 15TH day of June, 2006, come Plaintiffs in person or by Next Friend and by counsel. Defendants appear by counsel. The court after being fully advised, takes up for hearing the Petition for Approval of Wrongful Death Settlement; for Judgment; for Order to Acknowledge Satisfaction of Judgment; for Order to Distribute Net Proceeds of Judgment and for Order to Report and Account to this Court. The parties announce a settlement in the total amount of \$280,000.00 having been reached between Plaintiffs and Correctional Medical Services and the Missouri Department of Corrections. The people entitled to share in the proceeds as a result of the wrongful death of Al'Deana Simmons are Virginia Terry, as mother of

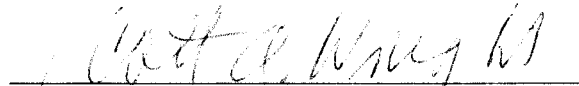
Al'Deana Simmons; J.D.S, C.N.S., and N.T.S. as natural children of Al'Deana Simmons, through their Next Friend, Jeff Simmons. These are the only persons entitled to share in the proceeds as a result of the wrongful death of Al'Deana Simmons and for any and all medical bills, funeral expenses and injuries incurred in the care and treatment of Al'Deana Simmons.

The parties waive trial by jury and oral and documentary evidence is adduced and upon due consideration thereof, the court being fully advised in the premises, it is hereby **ordered, adjudged and decreed** that the Plaintiff's cause of action and all claims for injuries, damages and losses for the wrongful death of Al'Deana Simmons be settled and the settlement is hereby approved for the total consideration of \$280,000.00.

It is the further finding of this court that Plaintiff Virginia Terry is the natural mother of Al'Deana Simmons, and that Plaintiffs J.D.S, C.N.S., and N.T.S. are natural children of Al'Deana Simmons, proceeding through their Next Friend, Jeff Simmons. These are the sole persons entitled to sue or join in this action for the injuries or death of Al'Deana Simmons and on evidence adduced the court finds the settlement should be distributed as follows:

- a. To Virginia Terry, the sum of \$13,243.30, as a one-time payment.
- b. To J.D.S, C.N.S AND N.T.S., (Five) guaranteed annual periodic payments as outlined and contracted in the attached **Exhibit A** settlement and annuity schedule.
- c. To the law firm of Eng & Woods, \$147,567.07, inclusive of attorney's fees and costs.

IT IS HEREBY FURTHER ORDERED, **AJUDGED AND DECREED** that upon receipt of the settlement and report of the Plaintiffs, including delivery of the annuity contract on behalf of the minors, that Correctional Medical Services and The Missouri Department of Corrections shall be and are forever discharged free from any and all liability of whatsoever kind or nature regarding the death of Al'Deana Simmons.


JUDGE SCOTT O. WRIGHT